

E-Filed 5/24/10

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HON C. LAU,

No. C 10-0587 RS (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

CALIFORNIA FRANCHISE TAX BOARD,

Defendant.

This is a federal civil rights action filed by a *pro se* state prisoner pursuant to 42 U.S.C. § 1983. Plaintiff was ordered to file a complete application to proceed *in forma pauperis* ("IFP"), or pay the filing fee of \$350.00, by March 10, 2010, or face dismissal of the action. Plaintiff has not paid the filing fee nor has plaintiff filed a complete application, having failed to file a copy of his prisoner trust account statement showing transactions for the last six months, and a certificate of funds signed by an authorized prison officer. Accordingly, the action is DISMISSED without prejudice to plaintiff filing a complete IFP application, or paying the filing fee. Plaintiff's motion to proceed IFP (Docket No. 2) is DENIED.

This order terminates Docket No. 2.

The Clerk shall enter judgment in favor of defendant, terminate the pending motion, and close the file.

IT IS SO ORDERED.

DATED: May 24, 2010


RICHARD SEEBORG
United States District Judge

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